

THE AMENDMENT

Applicants have cancelled claims 39-43 and 49-54, as those claims were previously numbered in the Amendment filed on February 12, 2004. Applicants note that claims 49-54 had been renumbered as claims 44-50 in the Office Action mailed on March 29, 2004. Applicants accordingly have amended claim 55 to read claim 50 to be consistent with the renumbering of those claims. For clarification, claims 28-38 are directed to stents, while claim 50 is directed to a method of maintaining a passageway of a body lumen substantially open. All claims directed to biodegradable filaments have been cancelled without prejudice to the pursuit of such claims in a continuing application.

REMARKS

Claims 28-43 and 49-55 (as previously numbered) are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,494,908 B1. After the Amendment is entered Applicants note that claims 28-38 and claim 50, as amended, are pending. Applicants submit herewith a terminal disclaimer with respect to U.S. Patent No. 6,494,908 B1 and pending claims 28-38 and 50, thus rendering the obviousness-type double patenting moot.

Claims 39-43 and 49-54 (as previously numbered) are rejected for the reasons noted in the Office Action in view of Bregen and/or Sohonen. Applicants have cancelled those claims thus rendering the rejection thereof moot.

Based on all of the foregoing, Applicants respectfully submit that all claims pending are patentable, request the rejection of such claims be withdrawn and earnestly request a Notice of Allowance to that affect.

Respectfully submitted,



William K. Wissing
Reg. No. 34,757
Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-6201